

REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.		
ADDRESS Land North Of Heath Road, Coxheath, Maidstone, Kent, ME17 4TB		
RECOMMENDATION: Permission Refused		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Contrary to relevant saved policies in adopted Local Plan (2000) and emerging Draft Maidstone Borough Local Plan (2014)		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Coxheath Parish Council		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 3/6/2014 and 15/10/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
<p>13/1999 Land south of Pleasant Valley Lane, East Farleigh: Change of use to public open space – UNDETERMINED</p> <p>Previous planning history is as follows:</p> <p>Planning permission was granted in 1972 (MK/3/71/385) for a petrol filling station and showroom with caretaker's flat on a site fronting Heath Road. The development was commenced and an application for a lawful development certificate, demonstrating that the permission remained valid, was granted in 1999 (99/0771).</p> <p>96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access was refused on 2/5/1996.</p> <p>88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units was refused on 25/4/1989.</p> <p>79/1745 - Residential development with public playing fields and other community facilities was refused on 18/12/1979.</p> <p>75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat was refused in April 1976.</p>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the built-up areas of Adbert Drive to the west and Whitebeam Drive to the east. The area to the north, beyond the coppice woodland is open countryside in agricultural use.
- 1.2 The site has a frontage to the B2163 Heath Road of 130m and an area of 2.15 ha. The village centre is situated approx. 600m to the east. It is generally flat with no major topographical features but slopes gently northwards from Heath Road.
- 1.3 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.4 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut/silver birch trees on previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppice woodland.
- 1.5 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. There is a clearly defined western edge to the village. The majority of this boundary is close-boarded fencing and the houses are on slightly higher land than much of the site. The boundary edge is used for dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 1.6 Beyond the woodland located to the north of the site in its north east corner, is an existing playing field marked out as football pitches accessed from Lynden Road which is fenced by steel palisade fencing. The whole area is criss-crossed by a network of informal footpaths running north-south and east-west through the woodland. PROW KM46 runs along the western side of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44) part of which is surfaced and serves a number of dwellings and also grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters except means of access reserved for subsequent approval. An illustrative layout has been submitted showing 55 dwellings with access from a proposed new roundabout in Heath Road.
- 2.2 The details of means of access show a new roundabout in Heath Road in the mid- point of the site frontage. The application is accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.
- 2.3 A second related application (ref. 13/1999) has been submitted for change of use to public open space on land in Pleasant Valley Lane, to the north of the proposed residential development site. This application is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The site is within the Southern anti-coalescence belt under MBWLP 2000 policy ENV32.

Rights of way – PROW KM46 runs along the site's western boundary northwards from the B2163 Heath Road towards Pleasant Valley Lane

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Coxheath. Relevant policies -
ENV28 – resists development which harms the character and appearance of the area
ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
T13 – Seeks to ensure appropriate parking provision.
Affordable Housing DPD 2006: Policy AH1
Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.
The site is not proposed to be allocated for development.
SS1, SP4, DM2, DM4, DM11, DM12, DM13, DM30

5.0 LOCAL REPRESENTATIONS

There have been 14 individual objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

6.1 Coxheath Parish Council: Initial comments dated 4 March 2014

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures. This application meets a number of aspirations of the community of Coxheath and to this end the Parish Council would make the following points:-

The application is in accordance with the Coxheath Neighbourhood Plan; This application has to be considered in conjunction with Application MA/13/1999, which provides additional public open space for the village of Coxheath on the same plot of land. We are desperately short of green public open space for a village with a population of almost 4,000 residents. The combination of these applications would,

therefore, help to redress that balance. In addition they would provide anti-coalescence protection in perpetuity.

The Section 106 agreement anticipates financial contributions towards the management of public open space, health facilities and education/library services, all of which we would support, providing the benefits accrue to Coxheath;

We have encountered no major points of contention in the Transport Statement;

The access to the proposed development envisages the construction of a roundabout at the junction with Heath Road, designed to current Kent County Council standards. This, together with a projected gateway facility, would provide an additional traffic calming feature at the western approach to the village, which the Parish Council feels is of paramount importance;

These benefits are regarded as sufficient to meet many of the objectives of the Coxheath Neighbourhood Plan. We would support the argument, therefore, that it would be unnecessary to incorporate any element of affordable social housing on this site on the basis that other important community benefits are achieved and that local needs affordable housing is planned elsewhere in the village.

All in all, the Parish Council is happy to support this outline planning application, subject to seeing and approving the detailed application in due course and providing that we have the opportunity to have some input into the Section 106 agreement before it is finalised.”

Further Parish Council comments dated 12 March 2014

“Further to our letters of 4th and 6th March 2014, we are writing to confirm our total and unreserved support for the above applications.

Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;

- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed 'Coxheath Neighbourhood Plan – Sustainability Appraisal'. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath

Additional comments dated 11 April 2014:

“Our stance remains unchanged The Parish Council Wishes to stress its support for these applications and re-confirms the points made In our earlier correspondence We have noted the detail contained In the ecological, flood risk and transportation/access reports We continue to support the introduction of a roundabout at the access point to the proposed site off Heath Road We feel that providing the footways are extended to the end of the proposed new 30 mph speed restriction zone a crossing point is introduced to enable residents to cross Heath Road In the vicinity of the new development and that an enhanced Village gateway is constructed to warn motorists approaching Coxheath from the west then the Introduction of a roundabout is far preferable to a standard ‘T-Junction’ at the access point.

As far as the ecological study is concerned Coxheath Parish Council is also keen to ensure that a suitable habitat is provided for the small reptiles that have been Identified as living on the site The suggested policy of constructing bespoke hlbemacula and log piles within the area is acceptable to us providing this does not adversely affect public access to the area of open space to the north of the proposed settlement.

The most Important aspect of these applications from our point of view is that we achieve a substantial area of open green space/amenity land which will remain In public ownership In perpetuity thereby Increasing the community land that falls Into this category and protecting the anti-coalescence belt between Coxheath and East Farleigh.

We stress again that these applications are In accordance with the Coxheath Neighbourhood Plan, which is currently In the process of publication. Coxheath Parish Council recommends therefore that these applications should be approved.”

6.2 **KCC Highways – No objection**

‘A safety audit has been provided for both the proposed roundabout junction to serve the site and also an alternative priority junction access. Both arrangements are found to be satisfactory in principle. The current planning application proposes the roundabout access option which was requested by the parish council in order to reduce vehicle speeds on the approach to the village.

I confirm that I do not wish to raise objection to this application subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_SK02 Rev B with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6.3 **KCC Infrastructure contributions**

Comments dated 3 January 2014, the following requests have been made:

Primary education: A new build cost of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house. To be used for the provision of a new primary school in SE Maidstone
'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

6.4 KCC Ecology –

Have advised that there is insufficient information to assess the mitigation proposals as acceptable.

'The Extended Phase 1 Habitat & Protected Species Assessment and the Protected Species and Mitigation Report have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site into the area to the north of the site.

The survey report does not provide a map of the location at which the reptiles were recorded but does state that they were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that lost, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information was submitted by the applicant in response to the above comments. The KCC Biodiversity team are still concerned that there is insufficient information to appropriately assess the impact of the development in the following areas.

- The appropriateness of the proposed reptile receptor site, particularly its level of use by the public and whether the proposals for controlling this use would be effective, but also its size in relation to the extent of habitat loss;
- The potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout.

6.5 **MBC Housing:** Object in relation to the proposed level of affordable housing as being contrary to adopted policy.

Comments dated 30 December 2013:

The outline application is for up to 55 residential dwellings but with no provision for affordable housing.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

With this in mind, it is noted at 3.6 of the applicants planning statement that a report produced following consultation with local residents highlighted some concerns, this included; *'Concern about additional social housing.'*

Furthermore, at 3.7 the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation /amenity purposes.'*

We would be like to see what evidence there is in respect of these two comments. For example, what were residents concerns regarding additional social housing and how many residents expressed such concerns?

Additionally, if the Parish Council are to make a case for social housing to be excluded from this site as is stated in the planning document, we would need further details of the reasons for this and it will need to be considered against the submission of a viability appraisal which demonstrates that it is only financially viable to deliver these services and facilities with no affordable housing on the site. Therefore, at present we

would be looking for 40% affordable housing to be included in this development as stated in our current policy.

As this application is for outline planning there appears at this stage to be no details of the size and types of the dwellings on the proposed site. We therefore welcome early engagement and consultation regarding the affordable mix and the spacing of these units, as this will affect any proposed master plan layouts. I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.'

Comments dated 10 March 2014:

'An offer from the applicant to consider some private rented housing on the site would not change our original response as this is not affordable housing. We would still be looking for 40% affordable housing provision on this site (22 units). If the applicant is unable to meet this requirement they would need to submit a viability appraisal which demonstrates that this is the case.

Regarding current local housing need, our current housing register has 195 households who have expressed an interest in living in Coxheath, made up as follows:
1 bed need - 106 households
2 bed need - 48 households
3 bed need - 9 households
4+ bed need - 19 households
Bed need not stated - 13 households
Please note however that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property'

Comments dated 12 August 2014:

I believe this is an outline application for up to 55 residential dwellings and my colleague Tony Stewart has previously commented on this application.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. The landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site due to the aspirations of the landowner over the sites value.

Local residents have been suggested as raising a concern about additional social housing. Interesting to note also that the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.'*

I note that Property and Procurement have looked at the viability assessment report and commented that the build costs are too high and that Harrisons have been asked to justify the build costs by providing more information showing the data from BCIS. Harrisons have responded by saying that the build costs are taken from the BCIS Quarterly Review, which are based on tender price/m².

Firstly, I would question the use of BCIS data at all in terms of assessing build costs. It is interesting to note the following comments that were put forward during recent viability training that I attended by the Executive Director at the HCA for the East and South East Operating Area.

'Most major house builders will use a standard house-type; this brings efficiencies of scale and cost. As such, the accurate costs of construction are known to the house builder. House build costs for flats are normally higher per square foot than houses, and the higher the dwelling, the higher the costs. Where affordable housing is provided at a larger floor area than open market, then the cost per square foot should be lower for affordable. I have never known a house builder to use BCIS index for house build costs; the data is too unreliable and historic.'

In terms of build costs, a quantity surveyors full schedule of costs should be provided, ideally based upon a developers standard house types.

This also directly leads to the summary of the proposed scheme, on which the viability assessment has been appraised. I note that the following statement at '5.0 SUMMARY OF PROPOSED SCHEME.'

'The application in respect of which this report relates to is an outline planning application with detailed housing mix to form part the reserved matters. However for the purposes of assessing viability we have considered an appropriate private housing mix based on a memo from Maidstone Council Housing Department to the Planning Department confirming a minimum density of 30 dwellings per hectare, which we have adopted along with having consideration of demand within the area.

We have further adopted an affordable housing mix as follows:

1 beds – 35%

2-beds – 30%

3-beds – 25%

4-beds – 10%

The overall housing mix differs depending on the level of affordable housing within the scheme since the demand/needs differ between tenures. Further information on the assumed number of units adopted for each type can be found later within the report'.

In response to this, I am not aware that Housing have provided such a memo, and if so, I would like to see a copy of this memo that they are referring to. The actual number and mix of units proposed for the site is absolutely crucial as this determines the likely sales/revenue that can be generated from the site (the Gross Development Value) and also build costs. A slight change in unit types, sizes and numbers can obviously have a big impact on costs within the appraisal. It maybe that we would like this overall mix to be revisited.

The methodology (residual land value type approach) is accepted as being a widely used and common form of approach to viability assessments, but I am not keen on the use of the HCA's Development Appraisal Tool. Common opinion is that it is flawed.

Development Costs

Please see earlier comments regarding build costs. Professional fees at 9% seems rather high to me. Where the scheme is bespoke, these normally appear as circa 4-5%

of the sales value, where they are a standard product, the 1-2% is the maximum applies.

Site abnormalities - However defined, these should normally be deducted from the land value. It is not an add-on extra. I note reference to the drainage costs not known at this stage, so this will have implications on costs.

Developers profit – Accepted that 20% is a reasonable profit that a developer would expect to make.

Planning/ S106 obligations - I would expect affordable housing to be prioritised above all other contributions. So a waiver of certain other significant s106 contributions should enable a greater % of affordable to be gained.

Part of this proposal includes the gift of land for public open space for use by the Parish Council. Is there a requirement for this? There is also a public realm cost referred to in the S106 obligations of £200k, so it's either one or the other I would have thought.

A couple of key questions to ask for me also are:

- 1) What offers (if any) have been sought from RP's? This information should be fed into the appraisal.
- 2) Does a developer have an option on the site with an option agreement in place with the landowner? If so, it will normally be based on either an agreed fixed price, or discounted price from market value. Knowing this will be key to the residual land valuation and appraisal.
- 3) Does the Parish Council expect the affordable housing to be provided as local needs housing on this site as part of any Neighbourhood Plan they maybe working on? Housing would have some reservations regarding such a proposal as we would have to be careful that a need existed for such units, and that an appropriate mix was provided in order to meet that need and the strict occupancy criteria that comes with schemes of this nature.

Based on the evidence provided and the assumptions made in the calculations, I am not convinced that only 15% affordable housing can be provided and I would suggest that we request the VOA/District Valuer to undertake an assessment of the attached report, and that the applicants agree to meet their costs.

There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but housing are happy to be flexible on considering an alternative mix if it helps with viability.'

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:** Object to the application on the grounds that flood risk has not been satisfactorily addressed.

'We note that the site is located within an area designated as Flood Zone 1 (low risk) and therefore the submitted FRA is required to assess other sources of flooding such as surface water, sewer and ground water flooding. Given the site area is >1ha, the FRA should also provide sufficient detail to demonstrate that an appropriate Sustainable Drainage System (SuDS) can be delivered within land under client control.

The FRA prepared by MLM Consulting Engineers Ltd. reviews all sources of flooding and concludes that based on available information the flood risk from all sources is low.

The most favourable discharge point for development run-off would be to infiltrate to ground, where practical considerations allow. At present there is no information relating to soakage potential across the site, and it is noted that an infiltration rate of $1 \times 10^{-6} \text{m/s}$ has been adopted within the WinDES calculations to represent the soakage potential of the underlying Hythe Formation. We would also note that there is a long history of ground collapses associated with soakaways in the Hythe Formations. A ground investigation should be undertaken to confirm soakage rates across the site which should also consider the potential for solution features on the site. The information obtained should then be used to inform/confirm the layout and ensure that sufficient space for SuDS is available within land under client control.

The preliminary calculations indicate that a volume of attenuation of 2200cu.m will be required, based on the assumed infiltration rate. The WinDES outputs show that half drain times would be in the order of 7 days and therefore it is not apparent whether the initial proposals are viable in terms of meeting the requirements of BRE 365.

Section 4.0 within the FRA notes that should in the event that infiltration is unviable alternative outfall points will be investigated. As noted within the FRA, there are no public surface water sewers or drainage ditches within the site or its immediate environs, whilst the River Medway is located 2km to the north of the site.

Given the lack of information on soakage rates and groundwater regime, and the uncertainty over securing an alternative point of discharge, the viability of the surface water management proposals are unclear. Whilst it is noted that the outline application has all matters reserved, the principle of development in this location should be supported with enough detail to demonstrate that the site can be brought forward with a deliverable surface water scheme within land under client control.

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate
2. Provide evidence that soakage rates are suitable for the implementation of a SuDS strategy reliant on the infiltration capacity. Given the history of collapses associated with the Hythe Formation an Site Investigation should be undertaken to define soakage rates and potential dissolution features that may impact on the viability of Soakaways
3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDS features within the site
4. If the soakage potential of the site is deemed poor, then details should be provided to confirm on the extent of off-site works, including the need for pumped outfall, which would be required to secure a suitable discharge point for surface water from the proposed development. This is likely to require a capacity check and/or sewer requisition application to investigate the viability of making a positive piped connection to either a sewer or watercourse

Overcoming our objection

To overcome our objection an FRA must be submitted that addresses the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. The production of an FRA will not in itself result in the removal of an objection.'

6.8 **NHS Property Services**

'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:
55 units x 2.34 person per unit = 128.7 assumed occupancy 128.7 @ £360 per person = £46,332

NHS Property Services Ltd therefore seeks a contribution of £46,332.'

6.9 **KCC PROW Office**

'The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.'

6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side of the coppice woodland to the west of the current site.

6.11 **Natural England:** Consider that the development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice. They have also commented as follows:

'Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.'

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application included the following documents: Transport Statement, Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment, Preliminary Arboricultural Report, Draft S106 Agreement.

8.0 APPRAISAL

Principle of Development

- 8.1 This site has an extensive planning history. There have been a number of applications for residential development on the site since the 1970s and earlier which have consistently been refused.
- 8.2 There is an extant permission on the site for a petrol filling station that dates from 1972. The applicant has cited this as a fallback position for consideration in the determination of the application, but infers that this development would now be highly inappropriate in this location. Evidence of the work undertaken at the time to commence the development is being lost due to the regeneration of the site that is occurring. Furthermore, given the passage of time where no attempt has been made to fully implement the extant permission it must be questioned whether much weight can be given to the fall-back position as a material consideration.

- 8.3 The complete lack of any development on the site; and the inference contained in the application that the “fall-back” development would now be “highly inappropriate in this location”, render the prospect of the “fall-back” development ever actually occurring highly unlikely. Relevant case law would appear to back this up.
- 8.4 In *Brentwood Borough Council v Secretary of State (1996)* it was held that for a “fall-back” suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement.
- 8.5 In *South Buckinghamshire District Council v Secretary of State for the Environment, Transport and the Regions (1999)* it was held that unless the resumption (or, in this case, full implementation) of the “fall-back” development/use was a realistic possibility, it would be ‘*Wednesbury*’ unreasonable to treat the harm that would result from such a resumption as a reason for granting permission for the new development. The degree of probability of the “fall-back” use being resumed would, or at least could, be a material consideration.
- 8.6 I consider that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence negligible weight can be given to the 1971 permission.
- 8.7 The site was also considered at the Local Plan Inquiry in 1998 where the Inspector concluded as follows:

***“H2 - Housing Land Allocations: Land at Heath Road, Coxheath
Objections DH0549 - M J Older
DH0577 - Gleeson Homes***

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or*
- (b) harm the character and appearance of the area; and if so*
- (c) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.*

Conclusions

4.387 I have dealt with this objection on the basis of the reduced area shown on the plan presented by the objectors at the inquiry, and to which the Council responded (MB/PR.94).

4.388 I note the objectors’ argument about the planning permission which was granted on this site for a petrol filling station in 1972, and that the Council disputes that this is an extant permission. However, this is not a matter for me in dealing with objections to the local plan since, as the Council argued, the objectors have a remedy through the submission of an application for a Certificate of Lawful Use. Following that, any future development could be resolved as a matter of development control, taking into account the lawful use of the site, and the policies in the Plan. I have therefore dealt with this objection only as one seeking an allocation for housing on an undeveloped site.

Issue (a)

4.389 I agree that Coxheath has a range of services and shops. On the other hand, as the Council points, out there are no significant local employers and to my mind the shops and other services are at a village level only. For this reason

it seems to me that most people living in the proposed houses would travel to Maidstone and elsewhere for work, main shopping trips and recreation. I accept that there is a bus service, but I have no doubt that cars would be used for many of these trips.

4.390 I also note the advice in paragraph 1.8 of PPG13 that, to meet the aim of reducing the need to travel, local planning authorities should adopt policies to strengthen local centres in rural areas which offer a range of everyday community, shopping and employment opportunities. However, to my mind, Coxheath does not comply with this advice since there are no employers and I saw that the range of shopping is limited. I conclude on this issue that the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.

Issue (b)

4.391 I found that on this edge of Coxheath there is a very clear distinction between the undeveloped, rural character and appearance of land to the west and the village itself. There is largely undeveloped land on both sides of Heath Road which to my mind creates a rural setting for Coxheath even if, as the objectors argue, this particular site is not covered by any landscape designation. In these circumstances, I consider that housing on the site would be an urban intrusion into the rural setting of the village.

4.392 I note the broad landscape proposals which were submitted at the inquiry. However, I am not convinced that the proposed planting and open space around the edge of the site would prevent the houses from being seen as an intrusion in the area, even after the time necessary for the planting to mature. In addition, I have no doubt that providing an acceptable highway access would create an urban character and appearance through the urban scale and appearance of the road itself, the views it would offer into the housing area and the effect of the visibility splays which would be necessary.

4.393 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle to this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.

4.394 For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

Issue (c)

4.395 I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements, and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the clear harm I have found in this case to the aims of PPG13 or the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.396 Do not modify the Plan in response to these objections.'

- 8.8 Clearly the previous Local Plan Inspector considered the harm that would result from the development of the site to be of overriding weight in his decision not to allocate the site.

- 8.9 Since his report was published and as Members will note from the history a lawful development certificate application has been approved on the site in relation to the development permitted in 1971. As indicated above however, any evidence of the implementation of that permission is rapidly disappearing as the site has reached such a stage in its regeneration that it is no longer readily apparent. Furthermore, no work has been undertaken on the site since the initial works undertaken shortly after the permission was originally granted.
- 8.10 This site is not identified as a housing allocation in the Reg18 consultation draft of the Maidstone Borough Local Plan. It does however feature in the emerging Coxheath Neighbourhood Plan (NP) as a proposed allocation. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it is grounds in itself to approve planning permission.
- 8.11 Given the limited separation between the edge of Coxheath and the settlement in Dean Street, which remains the same as when the site was considered by the previous Local Plan Inspector, an objection is raised in principle to the development of the site. It is also considered that the visual impact of the development would be unacceptable' which is addressed in more detail below.

Visual Impact

- 8.12 From much of the site, the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. The majority of the western extent of the village is mostly defined by close-boarded fencing and the adjoining houses are on slightly higher land than much of the application site. In some cases the boundary edge has been used for dumping of household garden waste.
- 8.13 Approximately half way into the site, to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 8.14 Development on this site would have a significant visual impact and would have an urbanising impact on the area, from the proposed roundabout/junction on the B2163 to the infilling with built development of this currently largely open area.
- 8.15 The site plays a significant role in the prevention of coalescence between Dean Street and Coxheath. The buffer between the two settlements would be reduced to around 28m from the current 80m+.
- 8.16 The Local Plan Inspector was concerned about the substantial reduction in the current gap between Dean Street and the western confines of Coxheath. Even with the transfer of the land proposed as part of the application it is concluded that the visual impact of the development would remain unacceptable. Development on this site would significantly urbanise the area causing harm to its character and appearance.

Impact on Residential Amenity

- 8.17 The development is unlikely to have a significant impact on the amenities of adjoining occupiers to the east of the site and the dwelling south of Heath Road, 'Wood View'. Appropriate levels of privacy would be secured through details submitted at reserved matter stage. Similarly, appropriate levels of amenity within the site would also be

secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity.

Highways

- 8.18 Kent Highway Services have raised no objections to the development. The application was supported by a transport assessment, which was considered in reaching this conclusion. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start.

As with other development sites within the village, Kent Highways have requested a contribution of £1000/dwelling to be directed towards funding improvements for Linton Crossroads (the junction of the B2163 and A229). This is on the basis that likely development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required.

Landscaping and ecology

- 8.19 As indicated above, the site has regenerated significantly and is being re-colonised by a number of heathland plants and trees. Outright clearance of the existing vegetation would be harmful to the setting of the village and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road some of which is designated as plantation ancient woodland in the 2012 inventory and designated as a Local Wildlife Site.
- 8.20 The proposals would result in the loss of 1.2ha of reptile habitat on the site with just 0.6ha retained/enhanced and some further 0.16 ha of currently unsuitable reptile habitat to be enhanced. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.21 KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost.
- 8.22 It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

Other Matters

- 8.23 A flood risk assessment has been submitted to which the Environment Agency have objected on the grounds that they are not satisfied that the development would not result in increased flood risk.
- 8.24 As Members will have noted, the Council's housing section have objected to the proposals on the grounds that the now indicated provision of affordable housing at 15% is not in accordance with adopted development plan policy. The applicants have sought to address the issue by submitting some viability information but this is not a fully detailed viability assessment of the scheme. They also place great emphasis on the emerging neighbourhood plan that seeks a much reduced or no affordable

provision on its indicated development sites. In the absence of a detailed assessment I consider that the applicants have failed to clearly demonstrate why they are proposing a level of affordable housing that is not development plan policy compliant.

9.0 S106 Agreement

9.1 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.

9.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development

9.3 Contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.

9.4 The KCC Requests are as follows

Primary education: A new build cost for school extension of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house.

To be used for the provision of a new primary school in SE Maidstone. 'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

I consider that these requests are justified and necessary to mitigate the impact on service provision likely to be generated by the development.

Kent Highway Services have requested a contribution of £1000/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. I consider that that this is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed

capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.

- 9.5 NHS Property Services have requested a contribution of £ to be used for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. I consider that this request does meet the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

10.0 CONCLUSION

- 10.1 The application site is within the countryside and outside the presently defined extent of the built up area. The site was considered as a possible housing allocation in the Local Plan in 1998 but was rejected by the Inspector for the following reasons:

- the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.
- development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.
- housing on the site would materially harm the character and appearance of the surrounding area.
- the housing shortfall should not override the clear harm to the aims of PPG13 or the character and appearance of the area and does not justify housing on this site.

- 10.2 It is concluded that the situation has not materially changed since 1998 and notwithstanding the lack of a 5 year housing land supply the release of this site for residential development would result in material harm to the character and appearance of the area through significant erosion of the current gap between the settlements of Coxheath and Dean Street East Farleigh, notwithstanding the site's allocation in the draft Coxheath Neighbourhood Plan.

- 10.3 The provision of only 15% affordable housing within the scheme has not been adequately justified. Lack of such provision would not meet identified housing needs in the locality.

- 10.4 I also consider that the scheme would result in an unacceptable impact on biodiversity within the site. KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost. It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

11.0 RECOMMENDATION –

REFUSE for the following reasons:

1. The proposed development would represent a major expansion of the village of Coxheath beyond the defined settlement boundary as defined in Maidstone Borough-wide Local Plan 2000 and is considered to be contrary to policies ENV28 and ENV32 in that the proposals would form an undesirable expansion of the rural settlement into the open countryside, detrimental to the visual amenities and semi-rural character of the locality.

2. The proposal if permitted would significantly erode the gap between the settlements at Coxheath and Dean Street East Farleigh and would be likely to create pressure for further development leading to further coalescence of the built development, detrimental to the character of the surrounding area thus contrary to policy ENV32 of the Maidstone Borough-wide Local Plan 2000.

3. In the opinion of the local planning authority insufficient information has been submitted to demonstrate that the impact of the proposed development on biodiversity and ecology within the site will be appropriately mitigated. In particular, it has not been demonstrated the proposed receptor site is adequate and free from possible public incursion and that its size is commensurate with the extent of habitat lost. Furthermore, it is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed. To permit the development in the absence of such information would be contrary to the advice in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.

4. In the opinion of the local planning authority, insufficient information has been submitted to show that the proposed development cannot accommodate affordable housing provision in accordance with adopted development plan policy. To permit the development in the absence of such justification would be contrary to the provisions of policy AH1 of the Affordable Housing Development Plan Document 2006.

5. In the absence of a legal agreement being in place to secure developer contributions in connection with education, health, community services and highway improvements, the development will place additional demands on local services and then local highway network without provision first being in place to ensure that the additional demands placed on the local services and highway network are being met. The proposal will therefore result in an intensified use of these facilities to the detriment of existing users contrary to the provisions of policies CF1 and T23 of the Maidstone Borough-wide Local plan 2000.

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.